## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

HOUSTON DIVISION			
In re:	§ 8	Chapter 11	
SERTA SIMMONS BEDDING, LLC, et al.	§	Case No. 23-90020 (DRJ)	
	\ \ \ \	(Jointly Administered)	
SERTA SIMMONS BEDDING, LLC, INVESCO	8		
SENIOR SECURED MANAGEMENT, INC.,	8	Adversary Proc. No. 23-09001 (DRJ)	
CREDIT SUISSE ASSET MANAGEMENT, LLC,	8	()	
BOSTON MANAGEMENT AND RESEARCH,	8		
EATON VANCE MANAGEMENT, and BARINGS	8		
LLC,	8		
Plaintiffs,	8		
1 <i>von.vogj</i> s,	8		
- against —	8		
agamst	8		
AG CENTRE STREET PARTNERSHIP L.P., AG	8		
CREDIT SOLUTIONS NON-ECI MASTER FUND,	<b>§</b>		
L.P., AG SF MASTER (L), L.P., AG SUPER FUND	§		
MASTER, L.P., SILVER OAK CAPITAL, L.L.C.,	§		
ASCRIBE III INVESTMENTS, LLC, COLUMBIA	§		
CENT CLO 21 LIMITED, COLUMBIA CENT CLO	§		
27 LIMITED, COLUMBIA FLOATING RATE	§		
INCOME FUND, A SERIES OF COLUMBIA	§		
FUNDS SERIES TRUST II, COLUMBIA	§		
STRATEGIC INCOME FUND, A SERIES OF	§		
COLUMBIA FUNDS SERIES TRUST I,	§		
CONTRARIAN CAPITAL FUND I, L.P.,	§		
CONTRARIAN CENTRE STREET	§		
PARTNERSHIP, L.P., CONTRARIAN	§		
DISTRESSED DEBT FUND, L.P., GAMUT	§		
CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII	§		
LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26	§		
LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR	§		
DEBT HOLDINGS, L.P., SHACKLETON 2013- III	§		
CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD.,	§		
SHACKLETON 2014-V-R CLO, LTD.,	§		
SHACKLETON 2015-VII-R CLO, LTD.,	§		
SHACKLETON 2017-XI CLO, LTD., Z CAPITAL	§		
CREDIT PARTNERS CLO 2018-1 LTD., AND Z	§		
CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,	§		
Defendants.	§		
2 0,00000000000	8		

## PROPOSED ORDER DENYING SUMMARY JUDGMENT

Upon the motion filed by Serta Simmons Bedding, LLC ("Serta Simmons Bedding") and its debtor affiliates in the above-captioned chapter 11 cases, and the motion filed by Invesco Senior Secured Management, Inc., Credit Suisse Asset Management, LLC, Eaton Vance Management, Boston Management and Research, and Barings, LLC (together with Serta Simmons Bedding, the "Plaintiff") dated February 24, 2023 (the "Motions"), for summary judgment in the abovecaptioned adversary proceeding on their claim for a declaratory judgment as more fully set forth in the Motions; and upon consideration of the LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motions for Summary Judgment, the Lieberman Declaration, the Tavangar Declaration and the Buccola Declaration (collectively, the "LCM Opposition"); and this Court having reviewed the Motions and the LCM Opposition; and the Court having held a hearing to consider the Motions and the LCM Opposition (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the LCM Opposition establishes that issues of material fact preclude summary judgment in Plaintiffs favor and that Plaintiffs have not established an entitlement to relief pursuant to Federal Rule of Civil Procedure 56 and Federal Rule of Bankruptcy Procedure 7056; that the Agreement unambiguously did not permit the transaction at issue; and upon the record of the Hearing and all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefore,

## IT IS HEREBY ORDERED THAT

- 1. Plaintiffs' Motion is **DENIED**, and summary judgment is entered in favor of Defendants on the claim that the Exchange Transaction was not permitted under the Agreement.
- 2. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

## Case 23-09001 Document 80-1 Filed in TXSB on 03/16/23 Page 3 of 3

Dated:	, 2023	
Houston, Texas		
		DAVID R. JONES
		LINITED STATES RANKRUPTCY HIDGE